IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21926 of 2004

Between:

1 P.Subramanyam S/o. Guravaiah
R/o.Marupuru Village, Podalakuru (M),
Nellore Dist.
2 Natakarani Ramanaiah S/o.Chinnaiah
R/o.Marupuru Village, Podalakuru (M),
Nellore Dist.
3 Dhanyasi Sankaramma W/o.Ramanaiah
R/o.Marupuru Village, Podalakuru (M),
Nellore Dist.
4 Chidadala Krishnaiah S/o.Venkataiah
R/o.Marupuru Village, Podalakuru (M),
Nellore Dist.

..... PETITIONERS

AND

The Mandal Revenue Officer
Podalakuru Mandal, Podalakuru,
Nellore Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondent in seeking to evict the petitioners from the lands covered by S.Nos.623 to 632 of Marupuru village, podalakur Mandal, Nellore Dist, forcibly and high handedly without notice to the petitioners and without following the procedure as contemplated under Act 9 of 1977 as illegal arbitrary and in violation of principles of natural justice and consequently direct the respondent not to interfere with possession and enjoyment of the petitioners of the land covered by S.No.623 to 632 of Marupuru Village, podalakur Mandal,

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY
Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21926 of 2004

ORDER:

The petitioners claim to have purchased various extents of lands in Sy.No.623 to 632 of Marupuru village, Podalakur Mandal, Nellore District under different registered sale deeds in the year 1993-94 and since then they have been in possession and enjoyment of the same. The grievance of the petitioners is that the respondent is trying to evict them from their respective lands, without issuing any notice and without following due procedure prescribed under law, on the ground that the lands in question are assigned lands and the transactions are in violation of the provisions of the A.P. Assigned Lands (Prohibition of alienation) Act 9 of 1977.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue. Both the Counsel agreed for disposal of the writ petition at the admission stage.

The principles of natural justice demand that before any action is taken by the authorities against private individuals, resulting in civil consequences, a notice calling for the explanation has to be issued to the individual concerned, and after considering the explanation, pass appropriate orders, and take action in accordance therewith. Since it is alleged by the petitioners that the respondent is trying to evict the petitioners from the lands in question without following the due procedure prescribed under law, I deem it appropriate to dispose of the writ petition directing the respondent to follow the due procedure prescribed under law, before evicting the petitioners from their respective lands, in that, a notice calling for the explanation of the petitioners shall be issued, and after considering the explanation that may be submitted by them, pass orders and take consequential action in accordance with

the said order. It is made clear that if the respondent has already followed the due procedure prescribed under law, and if the land is a government land, he is at liberty to proceed further in the matter.

The writ petition is accordingly disposed of at the stage of admission. No costs.

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N.V.RAMANA, J

30TH NOVEMBER, 2004

Gsn.

To

1.The Mandal Revenue Officer,

Podalakuru Mandal, Podalakuru, Nellore District.

2. 2 CCs to the G.P for Revenue, A.P.High Court Buildings,

Hyderabad.

3. 2 CD copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21926 of 2004

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